

**Minutes of Meeting
Grafton Planning Board
September 10, 2012**

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A regular meeting of the Grafton Planning Board was held on September 10, 2012 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Stephen Qualey, Vice-Chair David Robbins, Clerk Michael Scully, Robert Hassinger, and Associate Member Sargon Hanna. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Qualey called the meeting to order at 7:01 p.m.

ACTION ITEM 1-A - REQUEST FOR PLANNING BOARD DETERMINATION AND APPROVAL FOR MINOR MODIFICATION TO SPECIAL PERMIT (SP 2008-14) VERIZON WIRELESS - 43 ESTABROOK AVENUE - DANIEL D. KLASNIAK, ESQ., FOR BELL ATLANTIC MOBILE D/B/A VERIZON WIRELESS, PETITIONER

Mr. Robbins recused himself from this matter.

Attorney Klasnick informed the Board that Verizon Wireless has had a facility at 43 Estabrook Avenue since 2008. The current proposal would constitute an upgrade of service to LTE (Long Term Evolution)-4G by replacing six of the twelve antennae on the tower. Also included in the scope of work will be the addition of six coaxial cables that will be internal to the tower and not visible.

Mr. Hassinger asked for clarification of the provided antenna specifications. Attorney Klasnick responded that three of the new antennae will be PCS and three will be LTE. They are not removing any of the cellular antennas. Mr. Hassinger asked about the coverage maps that were submitted as part of the application. Mr. Klasnick noted that the before and after coverage maps represented only the LTE component.

Mr. Hanna asked if there will be any visual changes to the tower, and Attorney Klasnick replied that the new antennae are slightly larger than the existing ones, but that the size difference won't be obvious to any passersby.

Mr. Hassinger asked if any other changes to the site or equipment were proposed. Mr. Klasnick stated that there are no proposed modifications to any other aspects of the site and that they would be using the existing equipment shed.

Mr. Qualey asked about the total number of cables required by the new equipment. Attorney Klasnick stated that each of the new antennas requires two cables each. As a result, there will be a total of 18 cables when the work is complete but none of them will be visible as they are located within the interior of the tower.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to approve the minor modification. **MOTION** carried 3 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully to grant the application of Verizon Wireless. **MOTION** carried 3 to 0.

Mr. Robbins returned to the meeting.

ACTION ITEM 1-B - REQUEST FOR PLANNING BOARD RELEASE OF ALL EROSION CONTROL SURETY BEING HELD FOR HILLVIEW ESTATES, DAVID BROSSI, PETITIONER

Mr. Bishop reviewed the request from Hillview Estates II wherein the developer requested an inspection from Graves Engineering regarding the erosion control at the Hillview Estates II subdivision. The resulting report recommended the release of the surety bond held by the Town.

Mr. Scully asked if Graves Engineering had submitted formal documentation of the inspection and their recommendation. Mr. Bishop noted that Graves Engineering had conducted a recent inspection and the developer had adequately addressed the outstanding items from the previous inspection. Graves Engineering had submitted a final report which is on file in the Planning Board office.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to release the erosion control surety being held for Hillview Estates II.

MOTION carried 4 to 0.

ACTION ITEM 1-C - CONSIDER ARTICLE - SIGN BY-LAW

The Board reviewed the newest proposal for changes to the Sign By-Law. Mr. Hassinger stated that he is satisfied with the final draft. Mr. Robbins stated that the narrative contained on the last couple of pages should be used during the public hearing for public education efforts.

Mr. Qualey stated that CEVMSs should be limited to the Community Business Zone, and that there should be a designated distance of separation between signs of approximately 100 feet. Mr. Robbins stated that the Board may choose to amend the current draft based on the outcome of the public hearing, and that the goal is to present a final product that will reach a vote on Town Meeting floor.

Mr. Hanna raised the issue of “grandfathering in” the existing signs. Mr. Hassinger stated that existing signs cannot be grandfathered. Mr. Bishop agreed that the Town cannot preempt State law. Mr. Scully questioned whether the creation of a distance separation achieves the goal some without the need to resort to grandfathering. Mr. Hassinger restated that the Town would run afoul with fairness issues when some property owners are prevented from having certain signs. Mr. Bishop agreed that any by-law must be able to be applied to all owners without manipulating property rights. Mr. Robbins stated that fairness dictates that either everyone has the right to a sign, or no one does.

Mr. Bishop stated the law is explicit in requiring that by-laws are to be applied equally to all property owners. He felt that the current draft would work fairly within the context of the existing By-Law.

Mr. Robbins stated that management of the brightness of CEVMSs at night will go a long way toward making them acceptable. He felt that automatic dimming at night and brightness standards were very important to offset the visual impacts. All decisions must be legally defensible. Mr. Hassinger stated that the current draft is quite conservative when compared to other nearby areas. He believes that these signs are the future trend for business owners. Mr. Robbins cautioned the Board the dictating colors on CEVMSs might be interpreted as a violation of First Amendment rights.

Mr. Hassinger stated that it was important that the Town to have a fair chance to vote on the issue since it has been battled around for a number of years including several passed over Town Meeting articles. He felt that the current draft provides that opportunity.

Mr. Scully suggested that the Planning Department create a one-page summary for public review before the scheduled public hearing. Key issues to be outlined include duration, intensity of light, motion, transition times, video, colors, etc. Mr. Hassinger stated that it might be helpful to frame out the issues and to let people know that the proposed language is the Planning Board's attempt to provide a balanced response so that the Town can take a vote on the issue one way or the other. Mr. Bishop noted that many of these issues would be addressed as part of the Planning Board Report to Town Meeting.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins to present the current language to the Board of Selectmen. **MOTION** carried 4 to 0.

Mr. Robbins noted that the Board still needs to address By-Law language pertaining to temporary signs which did not get vetted for this Town Meeting.

ACTION ITEM 1-D - CONSIDER ARTICLE - VILLAGE MIXED USE

Mr. Bishop reviewed the changes made to the draft submitted by Mr. Robbins and made by staff. Mr. Hassinger questioned the definition of "principal thoroughfare", and also how best to limit the number of curb cuts. Mr. Qualey questioned if there should be a defined width for curb cuts. Mr. Scully suggested adding the word "strongly" to Section 12.8.c before the word "encouraged". Mr. Hassinger stated that any requirements for a Landscape Architect's plan must be consistent throughout the entire By-Law. He suggested reference to the language in Section 1.3.3.4 to provide flexibility while creating a standard. Mr. Bishop suggested that all sign requirements be as per Section 4.3.2, or that the sign by-law language be modified to include a Village Mixed Use zoning district.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, the present the amended language to the Board of Selectmen. **MOTION** carried 4 to 0.

STAFF REPORT

Mr. Bishop stated that the Planning Department is focusing on preparation for Town Meeting. He informed the Board that the Demonstration Grant from the EPA ends this month. The eco-management technology was successful, and he is reaching out to local colleges such as Clark

University, Worcester Polytechnic Institute and College of the Holy Cross about using the facility as a working classroom and also to seek program support funding.

The Conway School of Landscape Design visited the canal project, and the EPA remains interested. The project identifies Grafton as a site of scientific development. There is the possibility of adjusting the technology to be used at a new sewer plant to remove phosphorous and nitrates from waste material. Mr. Bishop would like to continue to engage the EPA in thinking about effective adjustments to the technology for other uses. Mr. Hassinger questioned whether the technology is capable of serving those needs in Grafton. Mr. Bishop stated that the current process can deal with significantly greater volumes than currently being used. The Town needs to address storm water as well as waste water, and this technology can be used to help even if it is not capable of taking over treatment completely.

Mr. Bishop added that this technology is showcased in Grafton and that the State and EPA continue to be interested in the progress of this project as well as advancing the technology for other environmental clean-up programming.

REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

Mr. Hassinger stated that the posting for the temporary vacancy on the Planning Board will appear in the local online newspaper and has appeared in the Grafton News. The invitation for applicants is still open. He suggested that there be a closing date for acceptance of applications. Mr. Hanna stated his intention to apply for full member temporary vacancy.

Mr. Scully stated that the Superpark Committee is moving forward in their planned request for CPC funds.

MINUTES OF THE PREVIOUS MEETING

MOTION by Mr. Robbins, **SECOND** by Mr. Scully to approve the meeting minutes from August 27, 2012. **MOTION** carried 4 to 0.

ONGOING ITEMS

Mr. Hassinger noted that the new budgeting process for Fiscal Year 2014 is underway. Requests for funding and other budget requests must be submitted by October.

ADJOURNMENT

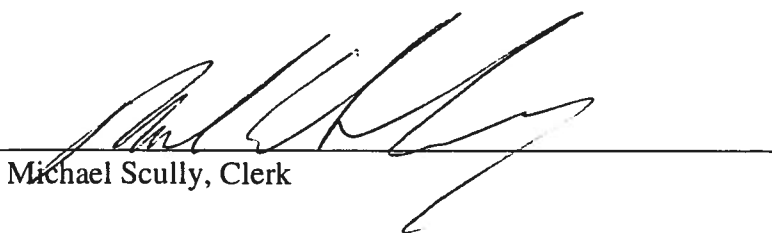
MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to adjourn at 8:27 p.m. **MOTION** carried 4 to 0.

EXHIBITS

- **Action Item 1A: Request for Planning Board Determination and Approval for Minor Modification to Special Permit (SP 2008-14) Verizon Wireless – 43 Estabrook Avenue- Daniel D. Klasnick, Esq., for Bell Atlantic d/b/a Verizon Wireless, petitioner**

- Unbound application materials, Application for a Minor Modification to Special Permit, prepared by Duval & Klasnick LLC, received September 6, 2012, including the following:
 - Correspondence from Duval & Klasnick, LLC, Application for Minor Modification of Special Permit, Applicant: Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless; dated September 6, 2012, 2 pages.
 - Statement in Support of Application for Minor Modification of Special Permit, 13 pages.
 - Planning Board Decision (11/13/08) and Certificate of No Appeal (12/30/08) from the Grafton Town Clerk, Special Permit SP 2008-14 and Site Plan Approval, Co-locate Antennae on Existing Monopole and Ground Equipment – 43 Estabrook Road, Grafton, MA; 10 pages.
 - Correspondence from AT&T, Letter of Authorization = AT&T FA#10071790, dated August 1, 2012, 1 page.
 - Plan Set, 11" x 17", black & white, Verizon Wireless, Grafton East, MA, 43 Estabrook Avenue, Grafton, MA 01519; prepared by Dewberry Engineers, Inc., current revision dated August 28, 2012, 3 pages including:
 - T-1: Title Sheet
 - Z-1: Abutters Plan
 - Z-2: Site Plan & Elevation
 - Equipment Specification Sheets, 65 degree Azimuth Beams and 13.6 dBd Gain, X7C-665 – 700 MHz Wide Band, prepared by CSS Antenna, Inc., published September 19, 2008, 3 pages.
 - Product Specifications, 844G65VTZASX – Directed Dipole Antenna, 806-941 MHz, 65 degree horizontal beamwidth, variable electrical tilt; prepared by Andrew Corporation; dated December 5, 2007, 3 pages.
 - Equipment Specification Sheets, X-pol degree Azimuth Beams & 17.8 dBi Gain, AXP18-60 PCS & AWS Band, prepared by CSS Antenna, Inc., published February 21, 2008, 2 pages.
 - Affidavit of radio Frequency Engineer, prepared by Jason Flanagan, Radio Frequency (RF) Design Engineer, Verizon Wireless; dated September 5, 2012, 2 pages.
 - LTE Coverage Maps, Grafton East Proposed and Existing, 8 ½ x 11", color, prepared by Verizon Wireless, dated September 4. 2012, 2 pages.
 - Federal Communications Commission, Wireless Telecommunications Bureau, Radio Station Authorization, Licensee: Cellco Partnership, Reference Copy, Radio Service CL- Cellular, Call Sign KNKA237; Expiration Date May 15, 2015; 6 pages.
 - Federal Communications Commission, Wireless Telecommunications Bureau, Radio Station Authorization, Licensee: Cellco Partnership, Reference Copy, CW-PCS Broadband KNLH282; Expiration Date June 27, 2017; 1 page.
 - Federal Communications Commission, Wireless Telecommunications Bureau, Radio Station Authorization, Licensee: Cellco Partnership, Reference Copy, CW-PCS Broadband, Call Sign WQEM964; Expiration Date March 8, 2016; 1 page.

- Federal Communications Commission, Wireless Telecommunications Bureau, Radio Station Authorization, Licensee: Cellco Partnership, Reference Copy, Radio Service WU-700 MHz Upper Band (Block C), Call Sign WQJQ689; Expiration Date June 13, 2019; 1 page.
- Federal Communications Commission, Wireless Telecommunications Bureau, Radio Station Authorization, Licensee: Cellco Partnership, Reference Copy, Radio Service AW-AWS, 1710-1755/2110-2155 MHz, Call Sign WQGA715; Expiration Date November 29, 2021; 1 page.
- Correspondence from Donald L. Haes, Jr., Radiation Safety Specialist, Re: Installation / removal / replacement of radio base station antennas and associated equipment for the Verizon Wireless Personal Wireless Services facility at 43 Estabrook Avenue in Grafton, MA; dated August 9, 2012, 8 pages.
- o Correspondence from Duval & Klasnick, LLC, Application for Minor Modification of Special Permit – Supplemental Filing, Applicant: Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless; dated September 10, 2012, received at the September 10, 2012 Planning Board meeting, 1 page plus equipment specification sheets prepared by CSS Antennae, 6 pages.
- **Action Item 1B: Request for Planning Board release of all erosion control surety being held for Hillview Estates, David Brossi, petitioner**
 - o Correspondence form David Brossi, Hillview Estates erosion control escrowed funds, dated and received August 28, 2012, 1 page.
- **Action Item 1C: Consider Article – Sign By-Law**
 - o Grafton Zoning By-law: Sign Sections with Proposed Electronic Sign Amendments, dated August 29, 2012, 14 pages.
 - o Electronic Sing Bylaw Proposal for October 2012, dated July 26, 2012, 4 pages.
- **Action Item 1D: Consider Article – Village Mixed use**
 - o DRAFT 9/10/12 – Section 12 – Village Mixed Use District (VMU), includes edits from David Robbins submitted on 9/10/12; 9 pages.
- **Item 5: Minutes of Previous Meeting**
 - o Grafton Planning Board, August 27, 2012, 9 pages.



Michael Scully, Clerk